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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/751,999  | 12/29/2000  | Ali Najib Saleh      | M-7165-1C US        | 8353             |
| 33031   | 7590        | 06/22/2005           |                     | EXAMINER         |
| CAMPBELL STEPHENSON ASCOLESE, LLP<br>4807 SPICEWOOD SPRINGS RD.<br>BLDG. 4, SUITE 201<br>AUSTIN, TX 78759 |             |                      | NGUYEN, HANH N      |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2662                |                  |

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|------------------------------|------------------------|---------------------|
|                              | 09/751,999             | SALEH ET AL.        |
| Examiner                     | Art Unit               |                     |
| Hanh Nguyen                  | 2662                   |                     |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 14 February 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 38-70 and 111-218 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 38-70 and 111-218 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/16/03&1/9/04.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

**DETAILED ACTION**

***Claim Objections***

Claims 51 and 57 are objected to because of the following informalities: a quality service “n” on line 4 is not clearly defined. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 111, 124, 137 and 150 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 111, 124, 137 and 150, it is not clearly stated what is meant by “sending at least one link state advertisement to said node”. What is the “said node” referred to ?

Claims 112-123, 125-136, 138-149 and 151-162 are rejected because they depend on claims 111, 124, 137 and 150 respectively.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 38 is rejected under 35 USC 102(e) as being anticipated by Tsukakoshi et al. (Pat. 6,496,510 B1).

In claim 38, Tsukakoshi et al. discloses a networking protocol ( routing protocol) for a network (network 11, fig.2) comprising a protocol packet sent from a neighbor node (router 12, fig.1) to a node ( router 25, fig.1); the neighbor node is a neighbor of said node; the protocol packet is configured to allow the node to determine topology information (routing protocol packet containing network connection information) ; and and the topology information comprises information regarding a topology of at least a portion of said network ( network connection information between router 12 and router 25, fig.1, col.5, lines 35-45).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39-70 are rejected under 35 USC 102(e) as being unpatentable over Tsukakoshi et al. (Pat. 6,496,510 B1) in view of Luciani (Pat. 6,418,476 B1).

In claims 39-70, according to what are missing by the teaching of Tsukakoshi et al., Luciani discloses in fig.5 a link state packet 500 (col.6, lines 12-25) which comprises all the missing limitations claimed above. Therefore, it would have been obvious to one skilled in the art to implement the configuration in the link state packet 500 into Tsukakoshi et al in order to comprise the claimed features.

Claims 111, 150, 163 and 205 are rejected under 35 USC 102(e) as being anticipated by Fukushima et al. (Pat. 6,490,246 B2).

In claims 111, 150, 163 and 205, Fukushima et al. discloses, in a description of Related art, col.1, lines 45-65, a method of processing a get link state advertisement packet ( a network comprising routers exchanging network link state information) comprising receiving the get link state advertisement packet (receiving a Hello packet) at a downstream node (a router), wherein the get link state advertisement packet ( the Hello packet) is sent by a sending node (from another router), the get link state advertisement packet comprises at least one node identifier (Hello packet comprises router's ID), the at least one node identifier identifies a node in a network for which the sending node seeks a link state advertisement (the routers are aware of the link state information that is exchanged), and the downstream node and said sending node are nodes in the network (the two routers are connected to the same network) and sending at least one link state advertisement to said node ( see col.1, lines 45-65).

Claims 124, 137, 177 and 191 are rejected under 35 USC 103(a) as being unpatentable over Fukushima et al. (Pat. 6,490,246 B2) in view of Luciani ( Pat. 6,418,476 B1).

In claims 124, 137, 177 and 191, as explained in the rejection of claims 111, 150, 163 and 205 by Fukushima et al., and based upon the missing features not explained by Fukushima et al., Luciani further discloses a processor coupled to a computer readable medium, a computer code encoded in the computer readable medium ( see col.6, lines 30-45). Therefore, it would have been obvious to one ordinary skilled in the art to implement the missing features including computer code encoded in readable medium, instructions executed in the processor into the router device of Fukushima et al. in order to broadcast link state information in a network.

In claims 112-123, 125-136, 138-149, 151-162, 164-176, 178-190, 192-204 and 206-218 are rejected based upon their dependency to claims 111, 124, 137, 150, 163, 177, 191 and 205 respectively.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goyal et al. ( Pat. 6,466,985 B1) and Perlman et al. (Pat. 5,086,428).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8AM to 5PM. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on 571 272 3088. The fax phone number for the organization where this application or proceeding is assigned is 703-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HANH NGUYEN  
PRIMARY EXAMINER